

## Message Text

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ACTION L-02

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P 111555Z DEC 74

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC PRIORITY 2551

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E.O. 11652: N/A

TAGS: AMGT, PL

SUBJECT: M/S JOSEF CONRAD LAW SUIT

REF: STATE 267138

1. BASED ON GENERAL OPINIONS OBTAINED FROM LOCAL LAWYERS AND EMBASSY FSL WHO IS TRAINED AS LAWYER, IT APPEARS THAT AMERICAN CITIZENS MAY BRING SUIT AGAINST POLISH GOVERNMENTAL ORGANIZATIONS OR INSTITUTIONS. HOWEVER, ULTIMATE DETERMINATION WHETHER MATTER CAN BE TAKEN TO COURT DEPENDS ON DETAILS OF INCIDENT WHICH WERE NOT CONVEYED TO POLISH LAWYERS. EMBASSY ALSO REQUESTED MFA OPINION ON GENERAL QUESTION, BUT UNCERTAIN WHEN REPLY WILL BE RECEIVED. SOME DETAILS ARE GIVEN BELOW ABOUT RELEVANT POLISH LAWS.

2. IN CIVIL LAW OF APRIL 23, 1964, ARTICLE 33, PARA 1, DEFINITION IS GIVEN TO LEGAL PERSONS. THE LIST INCLUDES THE STATE TREASURY OF POLAND, STATE ENTERPRISES, OTHER STATE ORGANIZATIONAL UNITS WHICH HAVE LEGAL STATUS AND OTHERS. WHILE TERMINOLOGY IS DIFFERENT, IT IS BELIEVED THAT GOP MINISTRIES WOULD COME UNDER DEFINITION FOR STATE ORGANIZATIONAL UNITS. ARTICLE 34 OF SAME LAW STATES THAT THE STATE TREASURY IS RESPONSIBLE FOR RIGHTS AND OBLIGATIONS CONCERNING STATE PROPERTY WHICH ARE NOT SUPERVISED BY OTHER LEGAL PERSONS LISTED IN ARTICLE 33. ARTICLES 23 AND 24 OF THE SAME LAW STATE RESPECTIVELY THAT PERSONAL RIGHTS SUCH AS HEALTH, LIBERTY, ETC. ARE UNDER THE PROTECTION OF THE LAW AND IF VIOLATED THE PERSON

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HAS THE RIGHT TO PURSUE COMPENSATION. WE ARE TOLD THAT

THE PRECEDING PHRASE MEANS RIGHT TO BRING COURT SUIT.

3. THAT ABOVE CITED ARTICLES IN THE CIVIL LAW ARE VALID FOR NON-POLISH CITIZENS AS WELL SEEMS TO BE ENCOMPASSED IN THE INTERNATIONAL PRIVATE LAW OF NOVEMBER 12, 1965. ARTICLE 8 OF THAT LAW STATES THAT FOREIGNERS MAY HAVE IN POLAND THE RIGHTS AND OBLIGATIONS EQUAL TO THOSE OF POLISH CITIZENS PROVIDED THAT OTHER LAWS DO NOT SPECIFICALLY STATE OTHERWISE (E.G., VOTING LAW SAYS THAT ONLY POLISH CITIZENS MAY VOTE). WE ARE TOLD THAT THIS IN EFFECT ALLOWS AMCITS TO TAKE MATTERS OF LAW TO COURTS FOR RESOLUTION AS WOULD A POLISH CITIZEN. HOWEVER, IT WAS CONTINUALLY POINTED OUT TO US THAT DETAILS OF THE PARTICULAR CASE WOULD BE VERY IMPORTANT.

4. EMBASSY WILL REPORT AGAIN WHEN MFA REPLY IS RECEIVED  
DAVIES

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